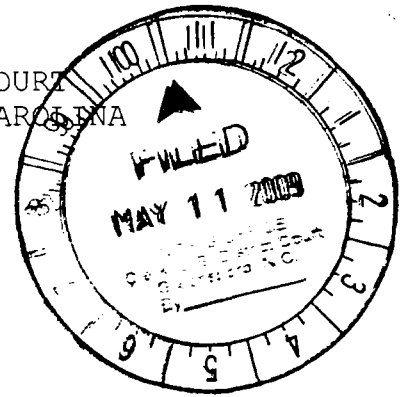


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA

Plaintiff,

v.

YASHUA ANK BEY EL

Defendant.

1:08CR248-1

ORDER

Defendant's Motion to Provide Copy of United States Probation Notes and Records (Doc. 37) was originally brought to the court's attention during a status conference held on May 6, 2009. Defendant subsequently made the motion in writing. *Id.* During the May 6, 2009, conference, the parties advised the court, and the court finds, the following:

1. Trial of this case is set to begin on May 11, 2009, at 10:00 a.m.

2. The United States intends to call as a witness United States Probation Officer Chris Porter from the Southern District of New York. The United States Attorney states that the file is discoverable, but cannot be released without an order of this court.

3. The file of Mr. Porter consists of material that would be discoverable under the open-file policy of the United States,

as well as pursuant to the Jenks Act (18 U.S.C. § 3500) and other rules of criminal procedure.

4. Defendant has been indicted for failing to report for service of a term of imprisonment imposed following the revocation of probation. Based upon the pleadings in this file, including the transcript of the revocation hearing, and the representations of counsel, it appears good cause exists for Defendant's motion.

The end of justice will be best served by allowing Defendant's motion.

WHEREFORE, it is ORDERED that Defendant's counsel, Lisa S. Costner, and the Assistant United States Attorney, Paul A. Weinman, are permitted to review documents contained in the file of United States Probation Officer Chris Porter which relate to the defendant, YASHUA ANK BEY EL.

This the 11th day of May 2009.

William L. O'Steen, Jr.
United States District Judge